

REMARKS

Claims 1-29 and 31 are pending in the subject application. Of these, claims 1-15 are allowed and claims 23, 26, and 27 are objected to as being dependent from a rejected claim. By this Amendment, applicants have amended claim 16 to incorporate all elements in claim 1 so that claim 16 and claims dependent therefrom may also be allowable. Applicant maintains that no new matter is introduced by this amendment. Applicant thanks the Examiner for her time during an Examiner's interview on May 18, 2009. During the interview, the Examiner indicated that should all limitations of claim 1 be included in claim 16, claims 16 and its dependent claims would also be deemed free of the prior art and allowable. Accordingly, applicants respectfully request that the Examiner enter and consider this Amendment, and allow these claims.

Rejection Under 35 U.S.C. § 102(b)

Claims 16-22, 24, 25, 28, 29, and 31 are rejected under 35 U.S.C. § 102(b) as anticipated by Spivey et al., U.S. Patent No. 5,712,890 ("Spivey"). The Examiner alleged that each and every element of these claims is disclosed in Spivey.

In response, but without conceding the correctness of the Examiner's ground of rejection, applicant notes that claim 16 has been amended to recite all the limitations of allowed claim 1, thereby obviating this ground of rejection.

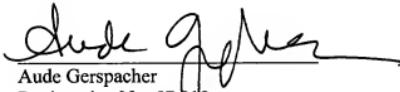
Applicant's apparatus as now claimed provides, in relevant part, the means for "scanning continuously across said object with a beam". This means is not disclosed by Spivey. Applicants' invention uses a beam to *continuously* scan across an object, e.g. the breast, which results in the continuous production of data *on* the sensor during the scan. In other words, there are no interruptions in the exposure between the starting point and the endpoint of the scan. In contrast, the invention disclosed in Spivey uses an intermittent step-wise "scanning".

In view of the amendments to claim 16 made herein and the arguments presented above, applicant maintains that Spivey does not disclose each and every element as now recited in claim 16. Applicant therefore submits that Spivey does not anticipate claim 16 as amended or any of the claims dependent therefrom and that the Examiner's rejection has been overcome and should be withdrawn.

Should the claims herein be allowable but for a minor matter that could be the subject of an Examiner's Amendment or a supplemental submission, applicants would appreciate the Examiner contacting applicants' undersigned attorney.

Reconsideration and allowance of all the claims herein are respectfully requested.

Respectfully submitted,

  
Aude Gerspacher  
Registration No. 57,919

May 27, 2009

Cozen O'Connor  
250 Park Avenue  
New York, New York 10177-0030  
Telephone: 212.986.1116;